

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Bhupesh Gupta	:
	: Before the Examiner:
Serial No: 09/998,392	: Gautam Sain
	:
Filed: 11/29/2001	: Group Art Unit: 2176
	:
Title: APPARATUS AND METHOD	: Confirmation No.: 7315
OF HIGHLIGHTING CATEGORIZED	:
WEB PAGES ON A WEB SERVER	:

NOTICE OF APPEAL UNDER 37 CFR §41.31

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants hereby appeal to the Board of Appeals from the Decision of the Primary Examiner of November 11, 2006 to reject the claims.

In a Final Office Action dated January 11, 2006, the Examiner rejected the claims in this Application under 35 U.S.C. §103(a) as being unpatentable over Nation in view of Burke. On May 23, 2006, Applicants appealed this decision. In an Office Action dated November 28, 2006, the Examiner reopened the Application's prosecution. In that Office Action, the Examiner rejected the claims under 35 U.S.C. §103(a) as being unpatentable over Meyerzon et al. Applicants/Appellants do not believe that the Meyerzon et al. reference teaches the claimed invention and request reinstatement of the Appeal.

This Notice of Appeal is being submitted concurrently with an Appeal Brief filed under 37 CFR §41.37.

Appl. No. 09/998,392
Notice of Appeal dated 02/26/2007
Reply to Office Action of 11/28/2006

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APPEALLANT'S BRIEF UNDER 37 CFR §41.37

Assistant Commissioner of Patents
Washington, D. C. 20231

Sir:

In a Final Office Action dated January 11, 2006, the Examiner rejected the claims in this Application under 35 U.S.C. §103(a) as being unpatentable over Nation in view of Burke. On May 23, 2006, Applicants appealed this decision. In an Office Action dated November 28, 2006, the Examiner reopened the Application's prosecution. In that Office Action, the Examiner rejected the claims under 35 U.S.C. §103(a) as being unpatentable over Meyerzon et al. Applicants/Appellants do not believe that the Meyerzon et al. reference teaches the claimed invention and request reinstatement of the Appeal.

This Appeal Brief is submitted pursuant to a concurrently filed Notice of Appeal under 37 CFR §41.31.

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BRIEF FOR APPLICANTS – APPELLANTS

(i)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(ii)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(iii)

Status of Claims

All claims in the Application (i.e., Claims 1 – 15) have been finally rejected.

(iv)

Status of Amendment

No amendment was filed after the Final Rejection of January 11, 2006.

(v)

Summary of Claimed Subject Matter

The invention, as claimed in Claim 1, provides a computer implemented method of highlighting Web pages arranged in categories on a server. The computer implemented method comprises comparing bookmarked Web pages in a bookmark folder with the Web pages in the categories; and highlighting all the Web pages in the categories that are the same as the bookmarked Web pages (see page 21, lines 28 – 32, page 22, lines 1 – 16 as well as Fig. 17).

The invention, as claimed in Claim 4, provides a computer program product on a computer readable medium for highlighting Web pages arranged in categories on a server. The computer program product comprises code means for comparing bookmarked Web pages in a bookmark folder with the Web pages in the categories; and code means for highlighting all the Web pages in the categories that are the same as the bookmarked Web pages (see page 21, lines 28 – 32, page 22, lines 1 – 16 as well as Fig. 17). The code means plus function are the steps outlined in Fig. 17 as well as in the text on page 22, lines 1 – 16.

The invention, as claimed in Claim 7, provides a computer implemented apparatus for highlighting Web pages arranged in categories on a server. The computer implemented apparatus comprises means for comparing bookmarked Web pages in a bookmark folder with the Web pages in the categories; and means for highlighting all the Web pages in the categories that are the same as the bookmarked Web pages (see page 21, lines 28 – 32, page 22, lines 1 – 16 as well as Fig. 17). The means plus functions are the steps outlined in Fig. 17 as well as in the text on page 22, lines 1 – 16 processed by either processor 202 or 204 or both.

The invention, as claimed in Claim 10, provides a computer system for highlighting Web pages arranged in categories on a server. The computer system comprises at least one memory device (i.e., local memory 209, or hard disk 232 of Fig. 2) for storing code data; and at least one processor (i.e., processor 202 or 204 of Fig. 2) for processing the code data to compare bookmarked Web pages in a bookmark folder with the Web pages in the categories and to highlight all the Web pages in the categories that are the same as the bookmarked Web pages (see page 21, lines 28 – 32, page 22, lines 1 – 16 as well as Fig. 17).

The invention, as claimed in Claim 13, provides a computer implemented method of highlighting Web pages arranged in categories on a server. The computer implemented method comprises the steps of accessing a Web page on the server on which Web pages arranged in categories are displayed; retrieving

Uniform Resource locators (URLs) of all Web pages in a bookmark folder, the bookmark folder being stored either on a client computer system or on the server, the bookmark folder, if stored on the server, being enabled to be accessed by a plurality of users; comparing the URLs of the bookmarked Web pages with URLs of the Web pages in the categories; and highlighting all the Web pages in the categories displayed on the Web page that have the same URLs with the bookmarked Web pages (see page 21, line 28 to page 22, line 16 as well as Fig. 17).

The invention, as claimed in Claim 14, provides a computer implemented method of indicating Web pages on a server that have already been bookmarked on a remote computer system. The computer implemented method comprises the steps of accessing a Web site on the server on which Web pages arranged in categories are displayed; retrieving Uniform Resource locators (URLs) of all bookmarked Web pages in a bookmark folder, the bookmark folder being stored on the remote computer system and being enabled to be viewed by a plurality of users, however, only bookmarked Web pages in the bookmark folder for which a user has access permission may be accessed by the user; comparing the URLs of the bookmarked Web pages with URLs of the Web pages in the categories; and highlighting all the Web pages in the categories displayed on the Web page that have the same URLs with the bookmarked Web pages (see page 21, line 28 to page 22, line 16 as well as Fig. 17).

The invention, as claimed in Claim 15, provides a computer implemented method of indicating Web pages on a server that have already been bookmarked on a local computer system. The computer implemented method comprises the steps of accessing a Web site on the server on which Web pages arranged in categories are displayed; retrieving Uniform Resource locators (URLs) of all bookmarked Web pages in a bookmark folder, the bookmark folder being stored on the local computer system; comparing the URLs of the bookmarked Web pages with URLs of the Web pages in the categories; and highlighting all the Web pages in the categories displayed on the Web site that have the same URLs

with the bookmarked Web pages (see page 21, line 28 to page 22, line 16 as well as Fig. 17).

(vi)

Grounds of Rejection to be Reviewed on Appeal

Whether claims 1 – 15 were properly rejected under 35 USC 103(a) as being unpatentable over Meyerzon et al.

(vii)

Arguments

Whether Claims 1 – 15 were properly rejected under 35 USC 103(a) as being unpatentable over Meyerzon et al.

In considering a Section §103 rejection, the subject matter of the claim “as a whole” must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention (taken as a whole) be determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

Claims 1 - 12

Meyerzon et al. purport to teach a method for identifying duplicate documents in a document storage system, and using this information to avoid unnecessarily retrieving and processing such duplicates (see col. 2, lines 59 – 63). A Web crawler application, in accordance with Meyerzon et al., takes advantage of a document storage system’s ability to provide a content identifier (CID) having a value that is either a unique function of the physical storage location of a document, such as a Web page, or, alternatively, a unique function of the content of the document (i.e., identical documents stored in different locations would have equal CIDs). Accordingly, the crawler first tries to fetch the CID for a document. If the CID attribute is not supported by the document storage system, the crawler processes the document in accordance with a first

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method (e.g., by fetching the document, filtering it to obtain a hash function, and committing the document to an index if the hash function is not present in a History Table or a separate table associated with the History Table). On the other hand, if the CID is available from the document storage system, it is fetched by the crawler. The crawler then determines whether the CID is present in the History Table, which indicates whether the document in question has already been indexed under a different URL. If the CID is present, indicating that the document has already been indexed, the new URL is placed in the History Table but the document itself is not retrieved from the document storage system, nor is it filtered again to obtain a CID. If the CID is not present in the History Table or separate CID table, the full document is retrieved and indexed.

Thus, as mentioned above, Meyerzon et al. teach a method of avoiding unnecessarily retrieving and processing duplicate documents. To do so, they teach the steps of retrieving a content identifier (CID) of a document from a storage system and comparing the retrieved CID with CIDs in a History Table to see whether there is a match. If there is a match they do not retrieve the document. If there is not a match, then the document is retrieved.

Consequently, Meyerzon et al. do not teach the steps of ***comparing bookmarked Web pages in a bookmark folder with Web pages arranged in categories on a server***, and ***highlighting all the Web pages in the categories that are the same as the bookmarked Web pages***.

The Examiner tacitly admitted that Meyerzon et al. do not teach the claimed invention. The Examiner did so by (1) characterizing the goal of the claimed invention as a method to alert a user of Web pages that the user already bookmarked such that they are not bookmarked once more; (2) interpreting the “indexing” teachings of Meyerzon et al. as being equivalent to the claimed bookmark; and (3) asserting that Meyerzon et al. suggest the step of “highlighting Web pages” in order to reject the claims.

However, it should be noted that the goal of a claimed invention is irrelevant as to whether or not the claimed invention is patentable. What is

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relevant is whether or not the reference or a combination of references teaches the claimed invention as drafted. Based on the teachings of Meyerzon et al. described above, Applicants maintain that Meyerzon et al. do not teach the claimed invention. Specifically, Meyerzon et al. do not teach a method of **highlighting Web pages arranged in categories on a server** by **comparing bookmarked Web pages in a bookmark folder with the Web pages in the categories**; and **highlighting all the Web pages in the categories that are the same as the bookmarked Web pages**.

Secondly, the “indexing teachings” of Meyerzon et al. are used to determine whether or not a copy of a document is to be downloaded. By contrast, the teachings of the claimed invention are used to determine whether or not to highlight Web pages that are arranged in categories on a server. It is well known in the field that downloading and highlighting are two vastly different concepts. Thus, the teachings of Meyerzon et al. are not equivalent to those of the claimed invention.

Thirdly, contrary to the Examiner’s assertion, Meyerzon et al. do not remotely suggest the step of highlighting Web pages nor would they have any reason to do so. The indexing teachings of Meyerzon et al. are used to ascertain that multiple copies of a document are not downloaded and stored on a system; they are not used to display results to users. Since the indexing teachings of Meyerzon et al. are not used to display results to users, there is no reason for Meyerzon et al. to include or suggest any highlighting aspect in their teachings.

Thus, Appellants maintain that the claims are patentable over Meyerzon et al. Consequently, Appellants respectfully request withdrawal of the rejection and passage to issue of the claims.

Claim 13

Claim 13 includes the limitations of highlighting Web pages arranged in categories on a server by (1) accessing a Web page on the server on which Web pages arranged in categories are displayed; (2) retrieving Uniform Resource
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locators (URLs) of all Web pages in a bookmark folder, the bookmark folder being stored either on a client computer system or on the server, the bookmark folder, if stored on the server, being enabled to be accessed by a plurality of users; (3) comparing the URLs of the bookmarked Web pages with URLs of the Web pages in the categories; and (4) highlighting all the Web pages in the categories displayed on the Web page that have the same URLs with the bookmarked Web pages.

As mentioned before, the disclosure of Meyerzon et al. is directed toward determining whether a copy of a document is already stored in a document storage system in order to avoid unnecessarily downloading and processing duplicates of the document. It is not directed toward determining which Web pages arranged in categories on a server to highlight.

Further, Meyerzon et al. do not teach the step of comparing the URLs of bookmarked Web pages with URLs of the Web pages in categories. And, as explained before, Meyerzon et al. do not teach the step of highlighting all the Web pages in the categories displayed on the Web page that have the same URLs with the bookmarked Web pages.

Consequently, Appellants submit that Claim 13 is patentable over Meyerzon et al.

Claim 14

Claim 14 includes the limitations of indicating Web pages on a server that have already been bookmarked on a remote computer system by (1) accessing a Web site on the server on which Web pages arranged in categories are displayed; (2) retrieving Uniform Resource locators (URLs) of all bookmarked Web pages in a bookmark folder, the bookmark folder being stored on the remote computer system and being enabled to be viewed by a plurality of users, however, only bookmarked Web pages in the bookmark folder for which a user has access permission may be accessed by the user; (3) comparing the URLs of the bookmarked Web pages with URLs of the Web pages in the categories; and

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(4) highlighting all the Web pages in the categories displayed on the Web page that have the same URLs with the bookmarked Web pages.

Again Meyerzon et al. do not teach the steps of (1) accessing a Web site on a server on which Web pages arranged in categories are displayed; (2) retrieving Uniform Resource locators (URLs) of all bookmarked Web pages in a bookmark folder, the bookmark folder being stored on the remote computer system and being enabled to be viewed by a plurality of users, however, only bookmarked Web pages in the bookmark folder for which a user has access permission may be accessed by the user; (3) comparing the URLs of the bookmarked Web pages with URLs of the Web pages in the categories; and (4) highlighting all the Web pages in the categories displayed on the Web page that have the same URLs with the bookmarked Web pages.

Hence, Appellants submit that Claim 14 is patentable over Meyerzon et al.

Claim 15

Claim 15 includes the limitations of indicating Web pages on a server that have already been bookmarked on a local computer system by (1) accessing a Web site on the server on which Web pages arranged in categories are displayed; (2) retrieving Uniform Resource locators (URLs) of all bookmarked Web pages in a bookmark folder, the bookmark folder being stored on the local computer system; (3) comparing the URLs of the bookmarked Web pages with URLs of the Web pages in the categories; and (4) highlighting all the Web pages in the categories displayed on the Web site that have the same URLs with the bookmarked Web pages.

As mentioned countless times above, Meyerzon et al. do not teach the steps of (1) accessing a Web site on the server on which Web pages arranged in categories are displayed; (2) retrieving Uniform Resource locators (URLs) of all bookmarked Web pages in a bookmark folder, the bookmark folder being stored on the local computer system; (3) comparing the URLs of the bookmarked Web pages with URLs of the Web pages in the categories; and (4) highlighting all the

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Web pages in the categories displayed on the Web site that have the same URLs with the bookmarked Web pages as in the claimed invention.

Hence, Appellants submit that Claim 15 is patentable over Meyerzon et al.

Based on the above arguments, Appellants submit that the claimed invention is patentable over the applied reference and kindly request withdrawal of the rejection.

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(vii)

Claims Appendix

1. (Previously presented) A computer implemented method of highlighting Web pages arranged in categories on a server comprising the steps of:

comparing bookmarked Web pages in a bookmark folder with the Web pages in the categories; and

highlighting all the Web pages in the categories that are the same as the bookmarked Web pages.
2. (Previously presented) The computer implemented method of Claim 1 wherein the bookmark folder is on a client.
3. (Previously presented) The computer implemented method of Claim 1 wherein the bookmark folder is on a server.
4. (Original) A computer program product on a computer readable medium for highlighting Web pages arranged in categories on a server comprising:

code means for comparing bookmarked Web pages in a bookmark folder with the Web pages in the categories; and

code means for highlighting all the Web pages in the categories that are the same as the bookmarked Web pages.
5. (Previously presented) The computer program product of Claim 4 wherein the bookmark folder is on a client.

6. (Previously presented) The computer program product of Claim 4 wherein the bookmark folder is on a server.

7. (Previously presented) A computer implemented apparatus for highlighting Web pages arranged in categories on a server comprising:

means for comparing bookmarked Web pages in a bookmark folder with the Web pages in the categories; and

means for highlighting all the Web pages in the categories that are the same as the bookmarked Web pages.

8. (Previously presented) The computer implemented apparatus of Claim 7 wherein the bookmark folder is on a client.

9. (Previously presented) The computer implemented apparatus of Claim 7 wherein the bookmark folder is on a server.

10. (Original) A computer system for highlighting Web pages arranged in categories on a server comprising:

at least one memory device for storing code data; and

at least one processor for processing the code data to compare bookmarked Web pages in a bookmark folder with the Web pages in the categories and to highlight all the Web pages in the categories that are the same as the bookmarked Web pages.

11. (Previously presented) The computer system of Claim 10 wherein the bookmark folder is on a client.

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12. (Previously presented) The computer system of Claim 10 wherein the bookmark folder is on a server.

13. (Previously presented) A computer implemented method of highlighting Web pages arranged in categories on a server comprising the steps of:

accessing a Web page on the server on which Web pages arranged in categories are displayed;

retrieving Uniform Resource locators (URLs) of all Web pages in a bookmark folder, the bookmark folder being stored either on a client computer system or on the server, the bookmark folder, if stored on the server, being enabled to be accessed by a plurality of users;

comparing the URLs of the bookmarked Web pages with URLs of the Web pages in the categories; and

highlighting all the Web pages in the categories displayed on the Web page that have the same URLs with the bookmarked Web pages.

14. (previously presented) A computer implemented method of indicating Web pages on a server that have already been bookmarked on a remote computer system comprising the steps of:

accessing a Web site on the server on which Web pages arranged in categories are displayed;

retrieving Uniform Resource locators (URLs) of all bookmarked Web pages in a bookmark folder, the bookmark folder being stored on the

remote computer system and being enabled to be viewed by a plurality of users, however, only bookmarked Web pages in the bookmark folder for which a user has access permission may be accessed by the user;

comparing the URLs of the bookmarked Web pages with URLs of the Web pages in the categories; and

highlighting all the Web pages in the categories displayed on the Web page that have the same URLs with the bookmarked Web pages.

15. (previously presented) A computer implemented method of indicating Web pages on a server that have already been bookmarked on a local computer system comprising the steps of:

accessing a Web site on the server on which Web pages arranged in categories are displayed;

retrieving Uniform Resource locators (URLs) of all bookmarked Web pages in a bookmark folder, the bookmark folder being stored on the local computer system;

comparing the URLs of the bookmarked Web pages with URLs of the Web pages in the categories; and

highlighting all the Web pages in the categories displayed on the Web site that have the same URLs with the bookmarked Web pages.

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Evidence Appendix

None.

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(x)

Related Proceedings Appendix

None.